21585. Misbranding of Premo Ergot-Apiol Capsules. U. S. v. 39 Tins of Premo Ergot-Apiol Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30873. Sample no. 42977–A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On August 9, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 tins of Premo Ergot-Apiol capsules at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1933, by Blackman & Blackman, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants, including aloin, a non-volatile oil such as apiol, a volatile oil such as savin oil, and traces of ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects were false and fraudulent: (Tin container) "For Dysmenorrhea, Amenorrhea and Menstrual Disorders", (circular) "For Dysmenorrhea, Amenorrhea and Menstrual Disorders * * * For the Treatment of Menstrual Disorders. It relieves pain * * * for use in the treatment of menstrual disorders. * * * Ergot-Apiol 'Premo' is valuable and is generally indicated in the conditions described below. * * * Amenorrhea—When menstrual flow is scanty or absent as a result of exposure, shock or nervous strain, one capsule should be taken three times a day for three days, then increased to two capsules three times daily until flow has been established. Then it is reduced to one capsule twice a day. Dysmenorrhea—Where the complaint is chronic 'Premo' Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule four times a day is sufficient, but when pain is unusually severe two capsules may be given four times a day. Menorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered four times a day. Menostasis—To re-establish the flow two capsules may be administered three or four times a day, in conjunction with frequent sitz baths if preferred. Menopause—Ergot-Apiol 'premo' will be found an aid in easing the disturbances attending final cessation of the menstrual functions. One capsule two or three times a day is advised."

On October 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21586. Misbranding of Alkalex Powder. U. S. v. 27 Packages of Alkalex Powder. Default decree of destruction. (F. & D. no. 30877. Sample no. 42803–A.)

Examination of the drug product, Alkalex Powder, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 8, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Alkalex Powder at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 15, 1933, by the Standard Chemical Co., from Des Moines, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of large proportions of calcium carbonate and sodium bicarbonate and relatively small proportions of magnesium carbonate and bismuth subcarbonate.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton, regarding the curative and therapeutic effects of the article were false and fraudulent: "Treatment of Hyperacidity * * * for the treatment of conditions due to excessive acid in the system * * * treatment for hyperacidity * * * correctives * * * Repeat every two to four hours until relieved * * Treatment for Hyper-

acidity * * * digestive * * * a rational and effective method of re-establishing the normal alkalinity of the body without danger of systemic disturbance * * * Treatment for hyperacidity, indications for indigestion fermentative dyspepsia * * * hyperacidity and chronic gastritis * * * for * * * distress after eating and bloating * * * for gastric or duodenal ulcers give regular doses every two hours observing the usual feeding plans in ulcerous conditions, for rheumatic conditions."

On September 25, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21587. Misbranding of white petroleum jelly. U. S. v. 16 Dozen 4-Ounce Jars of White Petroleum Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30881. Sample nos. 42955–A, 42983–A.)

This case involved shipments of white petroleum jelly, the labels of which bore unwarranted curative and therapeutic claims. Sample jars were found to contain less than 4 ounces, the declared weight.

On August 10, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 dozen 4-ounce jars of white petroleum jelly in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce May 12 and June 15, 1933, by the Mills Sales Co., from New York, N.Y., to Wilkes-Barre, Pa., that a portion had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of white petrolatum. The quantity of contents in 27 jars ranged from 3.01 to 3.48 ounces per jar.

It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "For * * * wounds. Will relieve sore throats, coughs, when taken internally." Misbranding was alleged for the further reason that the statements on the label regarding the weight of the article, "Net Wt. Four Ounces" or "Net Wt. Four Oz.", were false and misleading.

On September 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21588. Misbranding of Pyro-Sana Tooth Paste. U. S. v. 45 Packages of Pyro-Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30465. Sample no. 17072–A.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and tube labels and in a circular shipped with the article.

On May 16, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 packages of Pyro-Sana Tooth Paste at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce on or about January 20, 1930, by the Alhosan Chemical Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, soap, glycerin, a small proportion of creosote, and water.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton and tube) "Prevents Pyorrhea, Preserves the Gums * * * a proven medicinal agent in checking and controlling Pyorrhea, relieving and preventing soft and bleeding gums preventing receding gums making them hard and firm. * * * A